

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
DELTA DIVISION**

**RUSSELL O. HARDIN**

**PLAINTIFF**

v.

**NO. 2:06CV118-D-A**

**JAMES ALBERT RILEY, ET AL.**

**DEFENDANTS**

**JUDGMENT**

Upon consideration of the file and records in this action, including the Report and Recommendation of the United States Magistrate Judge dated October 5, 2006, and the October 23, 2006, objections to the Report and Recommendation, the court finds that the plaintiff's objections are without merit and that the Magistrate Judge's Report and Recommendation should be approved and adopted as the opinion of the court. It is, therefore **ORDERED**:

1. That the Report and Recommendation of the United States Magistrate Judge dated October 5, 2006, is hereby **APPROVED AND ADOPTED** as the opinion of the court.
2. That all of the plaintiff's claims against defendant James Albert Riley are hereby **DISMISSED** with prejudice for failure to state a claim upon which relief could be granted.
3. That the plaintiff's claims against defendant Corrections Officer James Roach shall **PROCEED**.

THIS, the 30th day of October, 2006.

/s/ Glen H. Davidson  
CHIEF JUDGE